



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 231

PERMIT 261

LICENSE 11114

**THIS IS TO CERTIFY, That**

ATASCADERO MUTUAL WATER COMPANY  
P. O. BOX 790, ATASCADERO, CALIFORNIA 93422

HAS *made proof as of* AUGUST 29, 1977 *(the date of inspection)*  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
SALINAS RIVER UNDERFLOW IN SAN LUIS OBISPO COUNTY  
tributary to PACIFIC OCEAN

for the purpose of MUNICIPAL USE  
under Permit 261 of the Board and that the right to the use of this water has been perfected  
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the  
priority of this right dates from JANUARY 13, 1916 and that the amount of water to which  
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated  
purposes and shall not exceed SEVEN (7) CUBIC FEET PER SECOND, TO BE DIVERTED FROM  
JANUARY 1 TO DECEMBER 31 OF EACH YEAR. THE EQUIVALENT OF SUCH CONTINUOUS FLOW  
ALLOWANCE FOR ANY 30-DAY PERIOD MAY BE DIVERTED IN A SHORTER TIME, IF THERE BE  
NO INTERFERENCE WITH OTHER VESTED RIGHTS. THE MAXIMUM AMOUNT DIVERTED UNDER  
THIS LICENSE SHALL NOT EXCEED 3,070 ACRE-Feet PER YEAR.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (1) SOUTH BATTERY:  
WELL NO. 8 - SOUTH 1,200 FEET AND EAST 1,550 FEET FROM NW CORNER OF  
SECTION 31, T28S, R13E, MDB&M, BEING WITHIN NE1/4 OF NW1/4 OF SAID  
SECTION 31;
- (2) ATASCADERO BATTERY:  
WELL NO. 1 - NORTH 850 FEET AND WEST 375 FEET FROM SE CORNER OF PROJECTED  
SECTION 10, T28S, R12E, MDB&M, BEING WITHIN SE1/4 OF SE1/4 OF SAID  
SECTION 10;  
WELL NO. 3 - NORTH 1,100 FEET AND WEST 100 FEET FROM SE CORNER OF  
PROJECTED SECTION 10, T28S, R12E, MDB&M, BEING WITHIN SE1/4 OF SE1/4 OF  
SAID SECTION 10; AND  
WELL NO. 5 - NORTH 500 FEET AND EAST 500 FEET FROM SW CORNER OF PROJECTED  
SECTION 11, T28S, R12E, MDB&M, BEING WITHIN SW1/4 OF SW1/4 OF SAID

WELL NO. 9 - NORTH 1,400 FEET AND EAST 2,100 FEET FROM SW CORNER OF PROJECTED SECTION 3, T28S, R12E, MDB&M, BEING WITHIN NE1/4 OF SW1/4 OF SAID SECTION 3.

(4) SYCAMORE PARK BATTERY:

WELL NO. 2 - NORTH 3,000 FEET AND WEST 2,000 FEET FROM SE CORNER OF PROJECTED SECTION 14, T28S, R12E, MDB&M, BEING WITHIN SW1/4 OF NE1/4 OF SAID SECTION 14.

A DESCRIPTION OF LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

WITHIN THE ATASCADERO COLONY, COMPRISING 23,000 ACRES WITHIN PORTIONS OF T28S, R11, 12, AND 13E; T29S, R12 AND 13E, AS SHOWN ON MAPS FILED WITH STATE WATER RESOURCES CONTROL BOARD.

*Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.*

*Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.*

*This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.*

*Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law.

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 231

PERMIT 261

LICENSE 11114

ORDER ALLOWING CORRECTION OF POINTS OF DIVERSION

WHEREAS:

1. License 11114 was issued to Atascadero Mutual Water Company and was filed with the County Recorder of San Luis Obispo County on April 2, 1981.
2. A petition for correction of points of diversion has been filed with the State Water Resources Control Board and said Board has determined that good cause for such correction has been shown.
3. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion under this license shall be as follows:

From wells numbered 1, 2, 3, 4 and 5 only, as described in the license.

Dated: MAY 1 1986

*Lloy Johnson*  
Lloy Johnson, Interim Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

Application 231 Permit 261 License 11114

**ORDER ADDING A LICENSE TERM  
AND AMENDING LICENSE**

**WHEREAS:**

1. License 11114 (Application 231) was issued to Atascadero Mutual Water Company (Company) pursuant to Application 231, and was recorded with the County Recorder of San Luis Obispo County on April 27, 1981, Volume 2322, Page 190.
2. On July 27, 1990, the United Agricultural Growers Association filed a complaint against the Company alleging that excess water was being diverted from the Salinas River underflow. The investigation required an evaluation of the Company's pre- and post-1914 water rights.
3. On February 14, 1991, a field investigation, by State Water Resources Control Board (SWRCB) staff was made of the Company's project. As a result of the investigation staff developed a proposed condition to clarify the Company's water rights.
4. A letter dated July 14, 1992 (and amended September 23, 1992) was sent by the Division of Water Rights to the Company identifying areas of violation, required compliance and proposed amendment of License 11114. Licensee was given 30 days to request a hearing before the SWRCB.
5. A hearing was not requested; therefore, the recommended term should be added to License 11114.

6. The license condition pertaining to the SWRCB's continuing authority should be updated to conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The following term regarding clarification of water rights shall be added for License 11114 as follows:

Until there is a judicial determination that the place of use under this License is entitled to the use of water by a pre-1914 appropriative right, the rights so determined and the right acquired under this license shall not result in a combined right in excess of a maximum diversion rate of 7.42 cfs and a total diversion quantity of 3,372 AFA.

2. The SWRCB's continuing authority condition of this license be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.


The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce returnflow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

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The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

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Dated: **AUGUST 30 1994**

*for*   
Edward C. Anton, Chief  
Division of Water Rights